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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/810,316   | 03/26/2004  | Roger G. Minor       | 95-1119.31          | 7985             |
| 21491  | 7590        | 11/30/2004           | EXAMINER            |                  |
| LANIER FORD SHAVER & PAYNE<br>P O BOX 2087<br>HUNTSVILLE, AL 35804 |             |                      | SHAVER, RICKY D     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2872                |                  |

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/810,316

Applicant(s)

MINOR ET AL.

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/26/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/12/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Platzer, Jr. ('419).

Platzer, Jr. discloses a rear view mirror comprising a mirror (130) having a primary mirror portion and a secondary mirror portion (132); wherein said mirror is made of a sheet of glass material having a flat first side, a second side (136) having a concave indentation (134) and a reflective material applied to the second side of said sheet; and wherein said secondary mirror is capable of reflecting a wider field of view than said primary mirror. Note figures 30 and 31 along with the associated description thereof.

3. Claims 1-3, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Alford ('609).

Alford discloses a rear view mirror comprising a mirror (12) including a primary mirror (13) and a secondary mirror (14); wherein said mirror is made of a sheet of glass material (28) having a flat first side (12a), a second side (30) having a concave indentation and a reflective material (32) applied to the second side of said sheet; and wherein said secondary mirror is capable of reflecting a wider field of view than said primary mirror. Note Fig. 3 along with the associated description thereof.

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4. Claims 1-3, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al ('323).

Smith et al discloses a rear view mirror comprising a mirror (29) having a primary mirror portion (29b) and a secondary mirror portion (29a); wherein said mirror is made of a sheet of glass material having a flat first side (29c), a second side (29a,29b) having a concave indentation (29a) and a reflective material applied to the second side of said sheet; and wherein said secondary mirror portion is capable of reflecting a wider field of view than said primary mirror. Note Fig. 3 along with the associated description thereof.

5. Claims 1-4, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Docie ('521).

Docie discloses a rear view mirror comprising a mirror having a primary mirror (28) and a secondary mirror (13); wherein said mirror is made of a sheet of glass material having a flat first side (28), a second side (29,30) having a concave indentation (29) and a reflective material (silver) applied to the second side of said sheet; and wherein said secondary mirror portion is capable of reflecting a wider field of view than said primary mirror. Note figures 7 to 9 along with the associated description thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alford ('609) or Smith et al ('323) in view of Docie ('521) or Platzner, Jr. ('419).

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Alford and Smith et al each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the reflective material is silver.

Docie and Platzer, Jr. each teach it is well known to use silver as a reflective material in the same field of endeavor for the purpose of obtaining a reflective mirror device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reflective material of Alford or Smith et al to include silver, as taught by Docie or Platzer, Jr., in order to obtain a highly reflective mirror device. Note In re Leshin, 125 USPQ 416.

8. Claim 5-7, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alford ('609) or Smith et al ('323) in view of Docie ('521) or Platzer, Jr. ('419).

Alford and Smith et al each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the sheet material is made of plastic.

Docie and Platzer, Jr. each teach it is well known to use plastic as a sheet material in the same field of endeavor for the purpose of obtaining a mirror device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify/substitute the glass sheet material of Alford or Smith et al to include plastic, as taught by Docie or Platzer, Jr., in order to obtain a light weight mirror device. Note In re Leshin, 125 USPQ 416.

As to the limitations of claims 7 and 20, Docie and Platzer, Jr. each teach it is well known to use silver as a reflective material in the same field of endeavor for the purpose of obtaining a reflective mirror device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reflective material of Alford or Smith et al to include silver, as taught by Docie or Platzer, Jr., in order to obtain a highly reflective mirror device. Note In re Leshin, 125 USPQ 416.

9. Claims 9-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Docie ('521) in view of Horn ('998), Jonsson ('802), Mou ('993) or Jung ('969).

Docie discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the concave indentation has a generally circular form.

Horn, Jonsson, Mou and Jung each teach it is well known to use a secondary mirror having a generally circular form in combination with a primary mirror in the same field of endeavor for the purpose of viewing blind spots about a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify shape of the secondary mirror of Docie to include a generally circular form, as taught by Horn, Jonsson, Mou and Jung, in order to obtain an uniform viewing distribution of a blind spot area. Moreover, such a modification would involve a mere change in the shape of a component and a change in shape is generally recognized as being within the level of ordinary skill in the art. Note In re Dailey et al, 149 USPQ 47.

As to the limitations of claims 13 and 19, it is well known to use plastic as a sheet material in the same field of endeavor for the purpose of obtaining a mirror device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify/substitute the glass sheet material of Docie to include plastic, as is

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commonly used and employed in the mirror art, in order to obtain a light weight mirror device.

Note In re Leshin, 125 USPQ 416.

10. Claims 2-7, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Jr. ('419).

Platzer, Jr. discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the sheet material, as depicted by figures 30 and 31, is made of plastic or glass sheet material and that the reflective material is silver.

It is well known to use plastic or glass as a sheet material and apply a silver layer to said sheet material in the same field of endeavor for the purpose of obtaining a mirror.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sheet material of Platzer, Jr. to include a plastic or glass material and apply a silver layer to said sheet material, as is commonly used and employed in the mirror art, in order to obtain said mirror. Note In re Leshin, 125 USPQ 416.

11. Claims 9-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Jr. ('419) in view of Horn ('998), Jonsson ('802), Mou ('993) or Jung ('969).

Platzer, Jr. discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the concave indentation has a generally circular form.

Horn, Jonsson, Mou and Jung each teach it is well known to use a secondary mirror having a generally circular form in combination with a primary mirror in the same field of endeavor for the purpose of viewing blind spots about a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify shape of the secondary mirror of Platzer, Jr. to include a generally

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circular form, as taught by Horn, Jonsson, Mou and Jung, in order to obtain an uniform viewing distribution of a blind spot area. Moreover, such a modification would involve a mere change in the shape of a component and a change in shape is generally recognized as being within the level of ordinary skill in the art. Note *In re Dailey et al*, 149 USPQ 47.

As to the limitations of claims 11-13, 15 and 18, it is well known to use plastic or glass as a sheet material and apply a silver layer to said sheet material in the same field of endeavor for the purpose of obtaining a mirror.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sheet material of Platzter, Jr. to include a plastic or glass material and apply a silver layer to said sheet material, as is commonly used and employed in the mirror art, in order to obtain said mirror. Note *In re Leshin*, 125 USPQ 416.

12. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reflective material/layer on the side of the sheet material must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the



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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

13. The drawings are objected to because reference character "13", shown in Fig. 1, should be changed to --18--; reference character "16", shown in Fig. 3, should be changed to --18--; and reference character "18" should be changed to --16--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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14. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference character "13", shown in Fig. 1, lacks a proper written description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

15. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the subject matter recited in claim 1, lines 4 to 5.

16. Claims 8-13 are objected to because of the following informalities:

In claim 8, line 2, the language "such" should be changed to read --said--.

In claim 10, line 2, the language "said first side" should be changed to read --said first side--.

Appropriate correction is required.

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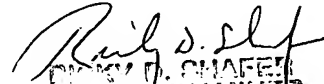
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

November 22, 2004

  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872